HOUSE..... .....No. 1

MESSAGE

OF

HIS EXCELLENCY

LEVI LINCOLN,

COMMUNICATED TO THE

TWO BRANCHES OF THE LEGISLATURE,

JANUARY 6, 1830.

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MESSAGE.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives :

I offer you my congratulations, that, by the favour of that protecting and overruling Providence which disposes of the affairs of communities as of individuals, the members of the Legislative Department of the Government are permitted to reassemble, and may now resume, under circumstances auspicious of the promotion of the public good, the discharge of the important and responsible duties, upon which they entered, at the commencement of the political year. A more favorable period for a distinct understanding of the sentiments of the whole people, through the universality of their representation, for calm discussion, and for deliberate and satisfactory decision upon all subjects of interest to the Commonwealth, has rarely, if ever, been enjoyed.— Whatever of sensibility may have been manifested, during the recess, to measures either adopted or anticipat-

ed elsewhere, it is most certain, that a spirit of candid inquiry alone has occupied the public mind, in reference to objects, exclusively, of State concern. There has been uncommon freedom from the excitement of local feeling and the conflicts of partial and opposing interests. A desire for investigation, and a pursuit of knowledge applicable to the business and the improvement of the condition of society, eminently mark the temper of the times. The delegation having been originally constituted with entire disregard to those distinctions of party arrangement, the season and the causes for which have long since ceased together, or which do not arise from principle, the people have reposed upon the virtue and intelligence of their Representatives, to fulfil the dictates of disinterested duty, and to accomplish purposes only, which are worthy of a patriotic regard. May it be your happiness, Gentlemen, to justify this generous confidence, and in whatever degree it may be permitted to me to participate with you in the labors of the session, I shall strive to manifest that fidelity, which the obligations of office, and gratitude for distinguished and unmerited honors, demand.

The unfinished and referred business of the last session will naturally engage your earliest attention. It is not for the Executive, importunately, to urge the influence of personal sentiment upon a co-ordinate department of the government. That measure of duty may

already have been discharged, which consists in a distinct and responsible avowal of official opinion, and a respectful recommendation to Legislative action. Yet, until decisions are had, it will not be deemed indecorous, and existing circumstances may render it proper, to recur to important subjects of previous discussion. Of the matters of prominent concern, that of the Railways will press with almost engrossing interest. With a reference, therefore, to former communications to the Legislature, and especially to that which I had the honor to address to your consideration at the commencement of the political year, for the general views, which I continue, confidently, to entertain, of the interest of the State, in the effectual encouragement of those enterprises which are adapted to facilitate intercommunication, and relieve the community from the excessive expense and tedious labor of the present mode of land transportation, I beg leave to repeat the recommendation, that some decisive measures should promptly be taken to give to the Country, at no distant day, such improvement. A cautious but faithful policy, has hitherto wisely required time for investigation. It was manifestly proper, that diligent and critical inquiry into the character of schemes of novel experiment should first satisfy the minds of those, who were appealed to, for their sanction in adopting them. A reasonable opportunity, it would seem, has now been allowed for this

purpose. The country has been explored ; surveys have been returned ; plans of construction and estimates of expense submitted, upon all the routes which have been proposed for the public accommodation ; and the enterprising and liberal spirit of individuals, and of voluntary associations of citizens, has added to the means of intelligence, which the Government have employed, until a mass of testimony has been furnished to the occasion and the advantages of Rail Roads, which, if it fails to unite all in designating the preferable courses for their location, will yet induce, in every one, a desire for their enjoyment. The astonishing results of recent scientific experiments in Europe, in the application of Steam to produce a moving power, by which time, and distance, and weight are alike overcome, to a degree almost incredible, may well inspire a confidence in this manner of conveyance, which neither the incredulity of the timid, nor the obstinacy of the prejudiced, can longer resist. It has been said, with probable correctness, that the newly invented Steam Carriages, which are designed for use between Manchester and Liverpool, will bring those places, though more than thirty miles remote from each other, nearer together, in a social and commercial point of view, than the extremes of London now are. The expense of travelling by them, it is calculated, will be reduced three fourths, and the time two thirds, while the accommo-

dation to the passenger is far superior to that afforded by Stage Coaches. The saving of cost in the transportation of heavy merchandize is estimated to be even still greater. The progress too, which has been made in our own country, in the execution of those stupendous works in which several of the States are engaged, has evinced, that there are few obstacles in nature too formidable for a persevering industry and labor successfully to remove. Surely, after the experience which has been had, no well informed man will question the practicability of laying Rail Roads over the roughest places of our Commonwealth, nor will any be found to deny their advantages, if means can but well be provided, for their accomplishment.

This is truly the point of greatest difficulty. The declension of important branches of business, and the general pressure of personal embarrassment, it may justly be feared, will discourage individual subscriptions to these objects, and there can be little hope that, except upon short routes, and for the advancement of local purposes, any Road will, at present, be undertaken, without a pledge of pecuniary aid from the Government. Large disbursements will be required, to execute either of the projects which are now before the public, and however strong may be the promise of eventual remuneration from indirect and consequential benefits to the community, Capitalists have been too often and too

seriously admonished, that even the greatest public improvement is not always an assurance of private profit, to be induced, on their own account and risk, exclusively, to make the necessary investments. There should be no false anticipations on this subject. If it is deemed, by the Legislature, of importance to the prosperity of the State, either as a means of increasing trade or preserving what is now enjoyed, of encouraging a more dense population or furnishing employment to that which may remain, of giving greater relative influence to our political condition or securing its present weight, of advancing the arts, diffusing the blessings of knowledge, and multiplying the sources of social happiness, that improved modes of communication between the Capital of this and other States, and through different sections of the interior of our own State, should speedily be possessed, the assistance of the Government, *in some manner and to some extent*, in aid of Individual enterprize and exertion, must be given to the work. I hesitate not to say that, without this, nothing of moment will be seasonably accomplished. Neither a Rail Road to Providence, nor Albany, nor even that more recently proposed to Brattleborough, which, from the geography, population, and business of that section of the Country, must be of great public advantage, can be executed, until a period, when, from the want of these accommodations in the intermediate time, the strongest in-

ducements to their construction will be gone from us forever. I am not unaware of the difficulty to the Legislature of deciding upon this question of appropriation. Much responsibility attaches here. But true moral courage never shrinks before the requirements of duty. Whatever may be that responsibility, it is at some time to be encountered, not indeed lightly, not in haste, nor without ample opportunities for inquiry, but upon the result of deliberate investigation, and with the conviction, that whenever the interest of the Community demands a measure, the approbation of an enlightened people will not be withheld from those, who faithfully, consistently, and steadily, pursue it.

If the general depression of business, and the peculiar and unusual pecuniary embarrassment of individuals, throughout the country, be objected to proceeding at the present time, it may be satisfactorily answered, that it is to revive the spirit of enterprize, to give employment to labour, to restore trade, and open new sources of profit and of wealth, that these works should now be undertaken. The creation of Stock upon the faith of the State, to such amount as the Commonwealth may be interested, eventually redeemable, as it doubtless would be, from the income and advantages of the improvements, will occasion no direct tax upon the people, beyond the accruing interest, and to this, even, might

be applied the proceeds of the sales of the public lands, and other contingent payments into the Treasury.

In relation to a Rail Road from Boston to the Hudson River, it is truly a work of great National importance; and whenever it shall be determined upon, the aid of the General Government may reasonably and confidently be solicited. There is wanting but this single link to complete the long chain of inland communication from our Eastern Atlantic Seaboard to the Western Lakes, by which, and through channels, already, or soon to be opened, the means of protection and defence, in time of war, may uninterruptedly, and with safety, economy, and dispatch, be conveyed to almost every assailable point of our widely extended country. In this respect, it scarcely yields in interest to any of those great public works to which the nation has heretofore, with almost profuse liberality, contributed. It has been computed, that the direct saving of money which would have been effected in the transportation of merchandize, and of Men and Munitions, between Boston and Albany, in a single year of the last war, by the use of a Rail Road, would have defrayed one third the whole expense of its construction. To this may be added the certainty and celerity which would have been given to military operations, and what is far more worthy of consideration, the waste of strength and loss of life, for want of seasonable supplies or other relief, which would have been prevented.

Pursuant to a Resolve of the 11th of June last, a skilful and experienced Engineer was appointed to make a survey of a Route for a Rail Road from the Town of Lowell to the City of Boston. The Survey has been completed, and the Report of the Engineer, with an accompanying Map and Estimates of the expense of constructing the work, as required by the Resolve, are daily expected.

The Commissioners of Internal Improvements, who, under a Resolve of the 12th of June last, were charged with a survey of a Route from Taunton to some point on the Route previously surveyed between Boston and Providence, have performed that service, and their Report, returned to the Governor and Council, is transmitted with this communication. The Survey was carried from a point of divergence in Canton, on the Eastern line of Survey's heretofore made between Boston and Providence, by two Routes, to Wier Bridge Landing in Taunton. The whole distance, from Front Street in Boston to Taunton Landing, by either Route, in connexion with the part included in the former Surveys, was found to be nearly the same, and but little to exceed thirty five miles. Both Routes are represented, by the Commissioners, to be not only practicable for a Rail Road, but to present great facilities, in the character of the ground, for the accomplishment of the work.

Such information, on the general subject of Rail

Roads, in the manner of their construction, their use and advantages, as has been obtained by the Directors of Internal Improvement, in obedience to an order of both Branches of the Legislature, at the last Session, will be submitted to you, in a distinct Report from that Board.

The period seems to have arrived when the claims of more than Fifty Thousand of our Fellow Citizens to be relieved from unequal and onerous burdens, under the present Militia Laws of the Commonwealth, will not admit of further postponement. The complaints on this subject, are continually becoming louder and more frequent. An official connexion with this department, for nearly five years, has satisfied me, that the present system cannot continue to be administered against the prevailing tone of public sentiment. We are daily departing, further and further, from the spirit of military subordination, which the discipline and dangers of War induced, and as there is less occasion for the readiness of preparation for service, so there is less inclination, in the subjects of enrolment, to yield to the mandate which requires it. There are frequent attempts to evade the obligations of Law, and occasional manifestations of a disposition to bring reproach and ridicule upon those who execute its provisions. A militia system, however, of a modified and improved character, better adapted to the feelings of the people, and con-

formed to the original design of the Institution, can never, with safety, it is believed, be dispensed with. In all periods of the world, and under every form of Government, an organized physical force, of some description, has been found necessary for the maintenance of internal quiet, and for protection from external danger. It is to the political, what the right arm is to the natural body, an assurance of security from outrage, in the very ability effectually to repel and to chastise it. The Founders of our Republic, gathering wisdom from their own experience, as well as from the pages of History, declared it to be a fundamental principle of free Government, that a well organized Militia was essential to the preservation of National Independence. The Institution was the Breast-work of Liberty, in the War of the Revolution, and it has proved an impregnable Fortress for its defence, ever since. It has been resorted to, on several occasions, to enforce an execution of the Laws, and, in two instances, has quelled open Rebellion. How far the knowledge, by the Nations of Europe, that more than one tenth of our whole free population are annually marshalled and trained to arms, as a constant preparation for resistance to invasion, may have a tendency to preserve peace to the Country, cannot be determined, until by disbanding and disarming a Citizen Soldiery, our improvidence and weakness shall invite aggression. As a Citizen of Massachusetts, I would

cherish the Militia, for the moral and political influence, which it gives to the State. The strength of an embodied patriotic and hardy Yeomanry, capable of vindicating their own rights, or aiding in the support of the rights of others, cannot but be referred to, when estimating the relative weight of different sections of the Union ;—And if ever a mad scheme of division and dismemberment shall be seriously contemplated, the power which may defeat it by resistance, or, in submitting, leave the means of self protection with a dissevered part, will not fail to be respected.

A proposition, which sometimes has been made, to dispense by Law, with all military parade, instead of amending the system, would utterly destroy the Institution. Organization could no longer be maintained. No one would be found to accept an office of merely nominal command, a mockery of title, in a parchment authority over a Muster Roll of names only. Besides, the paramount Laws of the United States, on this subject, would be violated, or evaded in all their provisions, by the effects of such State Legislation. The arrangements of the Militia, required by these Statutes, into Divisions, and distinctions of minor Corps, would soon be destroyed, and the obligations of Enrollment and Equipment, instruction in Tactics, inspections, and returns, cease to be performed. Without Officers commissioned to every grade of command, military order

can never be preserved, nor involuntary service compelled.

The essential alterations, in accordance with the Laws of the United States, which have occurred to me, as promising to equalize, in the most satisfactory manner, the still necessary burdens of militia service, and remove the strongest objections to the present system, are, to increase the penalties for neglect of duty, to such extent, as better to enforce the obligations to its personal performance in the Train Bands, by those of whom it is required; to extend conditional exemption to minors and enrolled persons above the age of thirty; and to repeal, altogether, the provision for the payment of money as part of the condition of exemption. This exaction operates with great injustice, and has been a fruitful source of disaffection. While the sum required, is, in itself, no equivalent to the time and expense of military duty, and to the man of wealth is of little consideration, to the poor man it often happens, that the want of money, at the prescribed period for its payment, leaves no alternative to the obligation of personal service.

The principles of these amendments, simple in their explanation, but of important consequences in the details of their application to the existing system, would render necessary a reorganization of the corps of the Militia, by consolidating its present subdivisions, and

enlarging their territorial limits. In this manner, Companies might be increased to efficient numbers, and many supernumerary and unnecessary officers discharged. There would then be greater distinction given to command, higher responsibilities would be felt in its discharge, and spirit and a new energy infused into the whole Military body.

One provision more, above all others, is demanded; —a prohibition, under severe penalties, to Officers, to treat with ardent spirits, on days of military duty, and to candidates for office, to do this, either pending or after an election. This latter practice is, indeed, a species of bribery, and is attended with the most pernicious influences. It occasions heavy and wasteful expense, and has deterred many excellent men and well qualified soldiers from accepting commissions, while, in some instances, it has induced to unworthy preferments to office. Most of the complaints against the institution, from its tendency to lead the young to indulgence, and produce habits of dissipation, have their origin in the custom of furnishing unnecessary and exciting refreshments on public occasions;—a custom, which is no less subversive of military subordination than prejudicial to the morals of the community, and which a true regard to the welfare of the militia, equally with a respect for the peace, good order and happiness of society, requires should be effectually repressed.

The Reports made to the Executive by the Officers of the State Prison, show, that the Institution is, at length, brought into that condition of improvement and capacity for future management, which have been anticipated with deep interest and solicitude by the Government and People of the Commonwealth. The new Prison Building was completed in October last, and the Convicts were immediately removed to the occupation of it. A more steady and strict discipline was introduced, and the experiment has commenced, of the effect of entire solitude in confinement, by night, and silence and constant inspection at labor, by day. All communication by the convicts with each other, and by the officers with them, except for the purposes of authority or instruction, is now prohibited. Intercourse, by conversation or correspondence with friends, or other persons, from without, is not permitted. They are no longer indulged in idleness and relaxation in the yard. Both Stint and Overstint are abolished, and incessant labor in the hours for employment is required. By the erection and arrangement of a new Cookery, connected with the Prison Building, the food of each individual is furnished to him separately, and he is required to eat it, in the stillness and solitude of his cell. No moment of opportunity is afforded for acquaintance or association. Thus the Convicts are constantly kept, either in entire seclusion from each other, or under the vigilant watch of their Officers

Their only alternation is from their Prison House of Cells to their Workshops, for labor, and from the Workshops, for refreshment, by food or sleep, back to their Cells again. Here no voice, save that of pious exhortation, reaches them. Each man is in silence and by himself. The mind finds subjects for occupation but in its own communings, and in bitter regrets; and from the poignancy of these, religious books, and the Chaplain's offices of devotion are the only sources of relief. The change cannot but be most striking and influential. Heretofore, the Convicts were in association in labor, without discrimination of character or classes, and were allured to obedience and industry, by excessive allowances for work of overstint. They were in companies by night, left to idle and vicious intercourse, to contrivances of mischief, and the ingenious device and practice of games and tricks for amusement. They partook of their food together, and in the society of a Commons Hall found the sympathy of fellowship and the feelings of a kindred nature. The old and the young, the hardened veteran and the novice in crime, promiscuously mingled together, and acquaintance, contamination and familiarity with schemes and tales of villainy, sunk all to the same depth in depravity and corruption of heart. The reverse of all this is now their condition, and the good effects of the new Police are already sensibly experienced. The fierce temper has been subdued. The

spirit of obduracy and of unyielding defiance to authority has been softened, and mildness, submission, patient endurance of increased restraint, and a willing performance of required service, are manifested. If a separation from bad associates, the strictest sobriety of deportment, regular and industrious occupation, with the advantages of impressive moral and religious instruction, can produce reformation in offenders, it may be hoped for, under the excellent arrangements, and with the faithful Officers of this improved Penitentiary.

It was not to have been expected, that, during the work of erecting the new Prison, and the extensive alterations and repairs which have been going on, in and about the Establishment, and to which the labor of the convicts has been, in a great measure, applied, the financial operations of the Institution would be improved. The interruption of regular systematic employment necessarily occasions loss, and the want of accommodation for engagements in different and more profitable branches of business, than heretofore have been pursued, has prevented change. The warden is now seeking other and better means of productive occupation for the convicts, and there is reason to expect, that the Prison, after the expenses already incurred are paid, will cease to be a charge upon the Treasury, and may be made, ultimately, to reimburse some part of the cost, which it has hitherto occasioned. The annual state-

ment of accounts, made up to the first of October last, exhibits a balance of expense for the year, in the support and government of the convicts, beyond their earnings, of $8,396 43. This deficit has continued to result in some degree, from the depreciation of the value of Stock previously on hand, and the diminished demand and reduced price for work in stone. The balance, however, is less, by almost *Four Thousand Dollars*, than that of the accounts of the preceding year. There will be found, in the several communications of the Warden, many important suggestions of further improvements in the Institution, which I recommend to your consideration. The Physician also, has proposed changes in the conduct of his Department, the occasion for which, he has particularly explained in his Report.

The interest of the Commonwealth in the public lands in Maine continues to be satisfactorily and advantageously managed by the Agent of the Government. The Sales of land and timber, the last year, have amounted to $21,129 29, for which the Agent has accounted with the Treasury. Depredations which heretofore were so common and destructive of the property, have, in a great measure, been prevented, and but little injury is now suffered from irresponsible and lawless trespassers. By the construction of Roads from the Kennebec to Canada, and from the Penobscot to Houlton, which are in progress, additional tracts of excellent land will soon

be opened for settlement, and those remote districts, greatly enhanced in value, be brought into the market.

It has been represented to me, from sources of intelligence entitled to great respect, that the laws of the Commonwealth, which relate to the Survey of Lumber, operate with much prejudice to our trade with the State of Maine. Previous to the separation, a survey of Lumber in either of the Towns of the then District, by the proper officer, would allow of the importation and consumption of it here, or its exportation abroad, without further inspection. But, by the Act of Separation, this application of the Law to that part of the country, ceased, and Lumber afterwards brought from Maine, became subject to the occasion and cost of Survey in our Ports. The inconveniences and loss to dealers in the commodity, which are thus incurred, have been much complained of, and induce, as it is said, to no inconsiderable diversion of the trade to other places. The business is of vast importance to this Commonwealth. By far the greater part of the Boards, Plank, Joist and Building Timber, used in our Commercial Towns, and nearly all exported thence to foreign Countries, are first obtained from the State of Maine. We have also the advantage of furnishing supplies of Merchandize in return. What measures, if any, are necessary for the preservation of this hitherto extensive and profitable traffic, the Legislature will decide. A regard to the benefits which re-

sult from cultivating the mutual relations and interests of States, which have long and happily been connected with each other, will not fail to secure to the subject a proper consideration.

The annual accounts of the State Treasury, made up to the 1st instant, present a result similar to that of several preceding years, in a deficit of the ordinary Revenue to meet the expenditures of the Government. The Receipts, exclusive of money obtained upon loans, amount to $262,944 81, and the payments to $293,942 45—producing an excess of the latter over the former, of $30,997 64. It should be recollected, however, that the Tax of 75,000 dollars, granted by this Legislature, at the June Session, was not made available to the Treasury, during the past year. It becomes due in April, and will constitute a large item of credit in the next annual account. The Debt of the Commonweath, still owing to the Banks, is $107,309, and it is obvious, from comparing the usual expenses of the Government with the sources of income, that to prevent its accumulation, an annual tax of moderate amount, will continue to be required. Had the recent grant been included with the credit of the last account, a balance of Debt, not exceeding Sixty Thousand dollars, would have remained. Gradually to extinguish this obligation, and to have the command, at all times, of adequate means to the exigences of the State, without an inconvenient

and discreditable recourse to Loans, must be the desire of every discreet and sound politician. The expediency of improving the more leisure opportunity of the present time, for arranging a Tax Bill for the ensuing year, rather than of postponing the service to the hurried engagements of a Summer Session, is recommended to your consideration. Neither the amount, nor period for collection, need be affected by the measure, while some disadvantages which are complained of, by the community, in the assessment of a grant, in the advance of the season, may be avoided.

In anticipating any future occasion of extraordinary expense to the Commonwealth, with a view to its financial requirements, it may be useful to recur to some of the principal causes of charge, which are already removed. Within the last five years, the repairs and improvements upon and around the State House, rendered necessary by the decaying and dilapidated condition of the walls of the Building, and of the falling fences, have exceeded 30,000 dollars. The new Prison at Charlestown, with alterations and additions made at that Institution, within the like period, have been constructed, at a cost to the government, either directly by drafts on the Treasury, or by an application of the earnings of the convicts, of more than 30,000 dollars. The aggregate of these items alone, is greater than the present debt of the Commonwealth. The necessity of any con-

siderable expense, upon the same objects, will not again, for a long time, occur; and the difference which will thus be produced in the expenditures, with the operation of an annual tax of 75,000 dollars in aid of the revenue, will be sufficient, besides gradually diminishing the debt, to meet all probable contingencies, and allow of continued contributions to important general purposes.

The melancholy experience of the past year has put to the test the policy of the Laws of the Commonwealth, in relation to Manufacturing Corporations. The worst effect which had been anticipated from these Statutes, was, that capital would thereby be driven for investment in Manufactures, *without* the State, but they have been found to work a far greater mischief than this, *within*. The spirit of enterprise and confidence, unheeding the threatening provisions of the laws, induced to extensive engagements in Manufacturing Establishments, which have been followed by wide spreading and irretrievable ruin to individuals. Proprietorship is attended with overwhelming responsibilities. The amount of private interest measures no degrees of personal liability, short of the whole debt of the Corporation, and instances, numerous and distressing, are presented, of fortunes made bankrupt, and families suddenly and unexpectedly reduced to poverty and wretchedness, as a consequence of the most inconsiderable contributions to

manufacturing capital. That there has been much improvidence and profusion in the management of such Establishments, will not be questioned, but the fluctuations of trade, the general stagnation of business, competition with the forced sales of foreign goods in glutted markets, together with the very character of the credit which the Laws create, have greatly conduced to their disasters.

In the present state of things, the credit of Corporations and Stockholders is equally destroyed, and, for all the purposes of trade, the whole Capital invested in Manufactures is lost. So universal has become the distrust of this species of property, from the unlimited and tremendous responsibilities which attend its possession, that it has almost ceased to be transferable in the Market, upon any consideration. It will neither command the accommodation of a loan, nor be received in payment of a debt. The mutuality of obligation, between the Corporation and the Stockholders, is alike prejudicial to the security which either might otherwise furnish. The stock of the corporation is discredited and depreciated, because it attaches personal liabilities to Proprietors, and the personal credit of Proprietors, is distrusted in turn, because of their stock in corporations. The extent of the injury, which the practical application of this principle of private responsibility is producing, is truly alarming, while all the purposes for which

it was imposed, are like to be defeated. The professed design was to secure the credit of corporations, by enforcing the payment of their debts; the effect is to impair that confidence in property, upon which alone, credit can be obtained. The business of manufactures requires, for its successful prosecution, the employment of large capital. The contributions of many Individuals are necessary to the creation of the fund. But men, with the admonitions they have had, will no longer consent, for the chance of profit upon a share in a concern, to put their whole property at the hazard of circumstances, which they neither can foresee, nor over which they can have any control. If no limitation of liability is hereafter to protect them from danger of loss in corporations, beyond their respective proportions in the stock, their engagements in them will cease, and the manufacturing interest, to a great extent, must be abandoned in Massachusetts.

If the foregoing be not altogether a mistaken view of the subject, there is occasion for some new measures of legislation to preserve our existing Manufactures. Their importance to the prosperity of the Commonwealth is too obvious to be disregarded. They have become intimately connected with the other great interests of society, and largely enter into all the occupations of the Citizens. The Mechanic Arts are their auxiliaries, and derive from them their best employ-

ments and highest rewards. Turn back upon *Husbandry* the thousands of hands now busied in the operations of machinery, upon the waterfalls of Massachusetts, and, in the superabundance of the articles of subsistence which they would produce, AGRICULTURE would languish. Drive from us this same Population, and consequences still more disastrous would ensue. The Workshops of the Interior, where Mechanics and Manufacturers are gathered in thick settlements together, furnish the best markets for agricultural products. For many articles, they are the only markets. Provisions, and the perishable commodities which tillage produces, but produces only with profit in the neighborhood of dense population, find here a ready demand. The fresh villages of New England, with her fruitful fields of recent cultivation, witness to the advantages which flow from manufactures. These had not otherwise existed, brightening every prospect, and full of the promise of still further improvement.

A practice has grown up in the Commonwealth, in the voluntary assignment by Insolvent Debtors of the whole of their property to preferred and favored Creditors, which, from the injustice it often occasions, and the abuses attending it, requires to be presented to the consideration of the Legislature. It is not the worst feature of the arrangement, that it distributes, unequally, to a few and often those least entitled, that fund,

which is the equal right of many, but it is the more objectionable, that, by a secret confidence between Individuals, it is made to sustain a false credit, and enable a Debtor, long after he ceases to be solvent, to continue his business, and more deeply affect, by his ultimate failure, the fortunes of others. It certainly is no unusual observation, that, upon a general assignment, by an Insolvent, his whole property is found in the hands of those who have given him trust, upon the sole reliance, that whenever there might be occasion, their security should seasonably be provided for. A very common sentiment, that Sureties upon accommodation paper are entitled to this precedence, favors the practice, and greatly aggravates the evils which result from it. By reason of the money which, upon this confidence, can be obtained, the personal ability of men can no longer be determined, by their ostensible situation. It enables them to exhibit a fictitious capital upon which to trade, and to gain credit from the possession of the property of others, to which their own responsibility would not entitle them.

Of like pernicious tendency are secret pledges of personal property, while the possession remains with the original owner. By the opportunity for management which such arrangement affords, the only obvious index of the right to chattels is destroyed, and unless the Law shall interpose, it will soon cease to be any criterion, by

which to judge of the trustworthiness of a Tradesman, that his shop is filled with Merchandize, or of a Husbandman, that his fields are stocked with Cattle, or of a Householder, that he has ample furniture and stores of goods in his habitation. This appearance of one thing and reality of another has, in some instances, led to the grossest impositions. A Mortgagor, who seeks further credit, may conceal the true state of his property, and a stranger to a subsisting pledge, trusting to a second lien, will be defeated of his plighted security. Officers of the Law, in the execution of civil process, are greatly embarrassed, and sometimes betrayed into serious difficulties, by the situation of property in the hands of Debtors. Distrust and caution may either induce them to suffer it improperly to escape attachment, or confidence in seizing it, involve them in litigation. While the smallest portions of Real Estate cannot be secured to the absolute proprietor without a registered notice of title, it cannot but appear strange, that Goods, to any amount, may be safely held in pledge, upon a mere bargain of assignment, against every visible badge of ownership.

It is submitted to the wisdom of the Legislature, as matter of increasing concern, that, upon a contract of conditional transfer of goods and chattels, a public notification of the fact, or an actual delivery over and continued possession of the property, should be required, to render a mortgage effectual.

In connexion with the revision of laws which relate to the property of Insolvents, those which respect their persons do not less require examination. The claims of humanity have long urged the abolishment of imprisonment for debt, and I cannot but recommend, that the rigor of the Statutes should, at least, be ameliorated, in this particular. The most diligent and exact inquiry has shown, that but little effect in enforcing the payment of money, is produced, by confining the persons of Debtors. Whatever decided advantage, in this respect, is experienced, proceeds from a dread of imprisonment, which induces to the honest application of means, and faithful efforts to avoid it. This is the true and only purpose of the law, and any degree of severity beyond what is necessary to accomplish it, should be dispensed with. If it was permitted to a Debtor, when arrested on execution, instead of being taken to Prison, to give bail for his surrender at the Prison House, within a prescribed time, there to be subjected to an examination, on oath, respecting his ability and property, and to be committed to close custody, if he should be found to have practised fraud, or voluntarily to delay his Creditor, the ends of justice might be as well secured as under the present course of procedure, and the dictates of benevolence and sympathy, and the rights of humanity, would be reasonably satisfied. The general state of embarrassment which now exists, and the in-

creased number of unfortunate men who are suffering from the most unlooked for occasions of calamity, urge, with redoubled influence, at the present time, to the proposed, or some better, modification of the Statutes.

The liberality of the appropriation made by the Government for the education of the Deaf and Dumb, and the discretionary authority vested in the Executive over its application, render it proper, that the Legislature should be advised, from time to time, of the measures which are pursued, in administering this interesting charity. For this purpose, a statement has been prepared by the Secretary of State, at my request, which, in connexion with the published Reports, will exhibit to you, in detail, its cheering results. By the Resolves of the 7th of February last, the former provisions for instruction in the Asylum at Hartford, were renewed and extended, and the appropriation was increased to the sum of $6,500 annually. Although every degree of publicity has been given to this munificent act, accompanied with a solicitation to the friends of persons, who are within the intention of the bounty, to present them for admission to its benefits, yet, but *nine* applications have been preferred, during the year. The number being so unexpectedly small, upon the recommendation of the Faculty of the Institution, twenty-three of the class, whose term was about to expire, and who were most distinguished for talents and proficiency in ac-

quirements, were permitted to remain another year. The whole number now at the Asylum, on the charge of the State, is *forty-five;* less, by *eleven*, than might be supported under the appropriation. There is good reason, from many circumstances, to believe, that when these shall have completed their course of pupilage, the whole Deaf and Dumb of the Commonwealth, of suitable age and capacity to be taught, will be educated. The average number of new pupils, annually, will not probably exceed from five to seven. Massachusetts may well boast that she provides means of instruction for all her children.

I have felt it a duty, on repeated occasions, heretofore, and it is not the less imperatively required of me, at the present time, to invite with earnestness, the attention of the Legislature to the situation of the Claim of Massachusetts upon the General Government, for Militia services, during the last war. Whether the magnitude of the debt, now amounting, with interest, to more than a *Million and a half of Dollars*, or the character of the State, involved in the objections which have been made to its payment, be regarded, it is equally important, that the subject should be speedily and finally disposed of. Nearly fifteen years have now elapsed, since this demand was first exhibited to the Executive of the Nation, while we have been constantly seeking, and with an acquiescence and submission scarcely

consistent with the maintenance of our rights, patiently waiting the justice of its allowance. The sudden and extraordinary reference of it to the disposition of Congress, left nothing subsequently to be accomplished with the Executive Government. It has since been made a matter of occasional attention in the House of Representatives, but except in a Report from the Secretary of War, by which a classification of the services is exhibited and the evidence to the different charges in the account arranged according to its application in their support, no advance has been made towards a final adjustment. The case, in all its circumstances, remains precisely where it was left by the Secretary's Report, during the first session of the last Congress, and where, it may well be feared, it will long continue to be, unless a more audible tone shall be raised to demand its decision. When the character of this claim shall come to be understood, there will not fail to be an universal sentiment of surprize, at the injustice of the delay, which has been suffered. While it will then appear, that all the services of the Militia were in the common defence, a portion of them will be presented, with distinguished claims to the nation's gratitude. Even the protection afforded to the Navy Yard in our harbour, and to the Flag of the Union, floating from the armed Ships which were moored there, and this at the special instance of an Officer of the United States, is among

the unrequited items of the service. Of the same character was the defence of the Seaboard, and of the Harbours along the Coast, and of the mouths of Rivers, by the faithful citizens of Massachusetts, and their patriotic brethren of Maine. There is, indeed, much reason to complain of the treatment which this subject has experienced. Our Delegates in Congress have not ceased to urge to its investigation. They have pressed for a discussion upon the merits, knowing that prejudice must yield to correct information, and that it was only necessary that facts and explanations should be listened to, to disarm opposition. Their efforts have been hitherto unavailing, and it seems time to inquire, if a direct appeal from the State, in its sovereignty, may not be made more effectual to the vindication of its interest and honor. This measure was recommended to the Legislature of the last year. The reasons then offered for its adoption, with the additional one of the subsequent delay, together with the consideration, that a limited session of Congress will not exclude ample opportunity, at this time, for inquiry and debate, again induce me respectfully to repeat the recommendation. The printed Documents, and manuscript copies of correspondence, and whatever other papers refer to the subject, or may explain the proceedings which have, at any time, been had in its management, are upon the files of each branch of the Legislature, leaving nothing further, with the Executive, to be communicated.

It gives me unfeigned pleasure to refer to the late able exposition of our public concerns, by the President of the United States. It exhibits the proud eminence to which our country has advanced in the rank of nations. We take a deep interest, too, in the avowal of the principles of political action, which shall direct the administration of our National Affairs. The powers which have been conceded to the General Government, though greatly restricted, may yet be so exercised, as to affect, with no inconsiderable influence, the domestic relations of the several States, even if they produce no conflict of jurisdiction upon subjects within their reserved and exclusive sovereignty. It is satisfactory therefore, to receive a pledge from the Chief Magistrate of the Union, on the threshold of Office, which respects the will and authority of the People, as the source of power, refers to written Constitutions of Government to define the extent to which it has been delegated, regards the promotion of the common good as the legitimate purpose of its exercise, and the security of the equal rights of all, social order, and the peace, integrity, and happiness of the Confederated Nation, as the only ends for its attainment. These are the dictates of pure and elevated Republican Sentiment, and happy will the Nation be, if they shall continue, as they have done heretofore, to constitute the motives and regulate the conduct of those to whom are committed, by a free People, the management of their dearest interests.

Nor is it without peculiar gratification, that there is seen, in the expressed opinions of the President, a distinct approval of that system of policy, which extends protection and encouragement to the domestic industry of the Country, and gives aid to objects of Internal Improvement. It is of subordinate consideration, by whose instrumentality the Government is administered, so that thereby, the public welfare is promoted. And if, at any time, the enlightened, the patriotic, and the faithful, who have disinterestedly and devotedly served the nation, are obliged to retire before the prejudice which distorts, and the wilfulness which misrepresents both the character and the consequences of their measures, it is the highest relief to witness, in those who succeed to their places, a disposition to sustain their counsels, and to follow their footsteps, in the pathway of political wisdom and duty. While, therefore, as citizens of the Republic, we glory, in that the condition of the Country warrants the glowing picture of prosperity and grandeur which is displayed before us, as constituents of the Government, we are not to be unmindful, that it is the result of the virtue of the People, and of the fidelity of those who were their Agents, in times which are past. The present Administration do not now exhibit Trophies of their own acquirement, but the extent and value of the rich treasure of blessings accumulated by Illustrious Predecessors, and committed to their keeping. A jeal-

ous People will note the number of these talents, and justly demand a corresponding account of their stewardship.

In approving, generally, of the sentiments expressed in the Message, neither consistency nor candor require an assent to all the propositions which it contains. There are, indeed, matters to be found there, about which there may yet be somewhat more than mere speculative differences of opinion. The constitution may be amended, in the manner suggested, and nevertheless, a Seat on the Bench, a Place in the Cabinet, a Diplomatic Appointment, or the numberless dependencies of Station, reward subserviency to the ambition of an aspirant to Office. The blood of the Indians may yet stain the faith of Treaties. The Bank of the United States may be destroyed, and a machinery of monied influence substituted, as well adapted to corrupt the States and consolidate the Union. These are subjects of fearful interest, upon which the language of the President cannot fail to produce increased anxiety and apprehension. But, in the love of country, in the spirit of harmony and conciliation, in respect for those honored and to be honored with expressions of the highest confidence of the People, and for the intelligence of the People who bestow, or may withhold this confidence, distrust of their proper final disposition should be postponed to future opportunities for observation, and opposition

limited to just occasions for disapproval of official action.

Aside from the Message, there has been much in the political events of the last year to lament and to condemn. We have seen the fire of party discord enkindled in the land, and brethren of the same political family and faith alienated, and set in hostility to each other. We have seen one Administration put down, with reproach, and another triumphantly placed in its stead, professing, as is now apparent, the same once reprobated principles of general policy, and to pursue, doubtless, the same obnoxious system of public measures. We have had, under this new Administration, melancholy witness, in numerous instances, of the more effectual claims of *Men* to consideration, than of *principle*, or the *public good ;*—And we have seen the venerable patriot of the Revolution, veterans of the first and of the second war of Independence, able and faithful civil Officers, laborious and dependant Clerks, driven from their only means of support, and the door of employment shut against them, for no other reason than the unworthy suspicion, that integrity may not be proof against corruption by long service, or that loss of place was fit punishment for an uncompromising exercise of the rights of Freemen.

These remarks are not made to gratify a spirit of discontent, or from particular regard to the cases of Indi-

viduals, but from a deep and solemn conviction, that the precedent which has been given, and the principles avowed in its justification, unless rebuked by a strong tone of public sentiment, will reach to the vitality of our Institutions, and subvert the foundations of civil Liberty. What is more becoming the character of the patriotic Citizen, than to canvass the qualifications of a Candidate for public trust, to attend the polls, and to deposit his vote in the ballot box? To do this, is among his highest obligations. To neglect this, is to be indifferent to his most precious privileges. In what manner, then, can the independent and conscientious discharge of duties, common to every citizen, entitle one Individual to reward, or subject another to punishment? The Government is surely to be administered in harmony among its officers, and when there exists a difference as to the principles upon which the Administration should be conducted, those who are assigned to act together in measures, should be of consentaneous sentiment. The Supreme Executive Department is an unity, and here, especially, should be confidence and concert between its members. But upon every change in the Head of this Department, to sweep through the Land with a Besom of removal, to make the personal support of the successful Candidate a sufficient ground for appointment, and an honest preference for a defeated competitor, a forfeiture of favor, is to corrupt the

purity of Elections, by the bribes of office, and convert a Government of Constitutions and Laws into a Tyranny of Men.

Let it not be considered a departure from appropriate duties, that this reference has been made to circumstances connected with the Administration of the Federal Union. The Citizens of the Commonwealth are alike Constituents of the General Government. The Independence of the States cannot be preserved, but through the freedom of the nation. Jealousy and a never slumbering vigilance are the only security of the People. Whenever a selfish truckling to the predominancy of Party shall prevent the alarm of danger, Liberty will cease to be enjoyed, and the Country, either by foreign force, or domestic despotism, be enslaved.

LEVI LINCOLN.

Council Chamber,
Boston, January 6, 1830.

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